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Committee on the Rights of the Child

Combined fifth and sixth periodic report submitted by Belgium under article 44 of the Convention, due in 2017*, **

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* The present document is being issued without formal editing.

** The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.

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Introduction

1. Belgium has the honour to submit its combined fifth and sixth periodic report to the Committee on the Rights of the Child, containing information on follow-up to the concluding observations on Belgium adopted in 2010 and on developments in the implementation of the Convention on the Rights of the Child and its Optional Protocols from July 2010 to June 2017.

2. The drafting of the report was coordinated by the secretariat of the National Commission on the Rights of the Child, in close collaboration with the members of the intergovernmental body of the Commission and based on the contributions of the public authorities. The views of civil society have been sought through its representation on the independent advisory body of the Commission.

3. The length of the report was significantly limited by the revised guidelines for periodic reports. It is now impossible to do justice to all the developments concerned with the rights of the child in Belgium. In view of the indivisibility of those rights, the Commission's advisory body suggested that seven priority themes should be highlighted, with a focus on vulnerable groups: migration, poverty, participation in obligatory assistance, assistance to young persons and mental health, disability, education and justice.

4. This suggestion was taken up by the intergovernmental body, which added an eighth theme: an integrated policy on the rights of the child. These themes constitute the basis of this periodic report. Belgium will be pleased to provide additional information to the Committee on questions submitted in advance of the hearing and at the hearing itself.

5. The draft report was presented to the Commission's advisory body in February 2017. Public and formal advice resulting from the discussions in this body concluded, inter alia, that the draft report should provide a more systematic indication of areas for improvement and the obstacles encountered in that regard, and should also clarify whether the budgetary allocation was sufficient to ensure the full implementation of the instruments adopted in the area of the rights of the child. The Commission's intergovernmental body took note of the remarks and the draft report was adapted accordingly.

6. It should be recalled that after six successive State reforms, Belgium has evolved into a single federal structure (see common core document). There is no hierarchical distinction between federal and federated entities (Communities and Regions). The implementation of the Convention and its Protocols is ensured by the various levels of government, depending on their areas of competence.

Key data

[CRC/C/BEL/CO/3-4, para. 22; CRC/C/OPSC/BEL/CO/1, para. 8]

7. It is difficult to gauge the effectiveness of the rights of the child at a glance. However, statistical data are a valuable tool for monitoring, as long as they are properly contextualized.

8. In response to the Committee's concluding observations on data collection at the national level, the Commission developed national indicators on the rights of the child through a participatory approach involving government, representatives of civil society and researchers. Some 40 indicators were selected to provide a clearer picture of the extent to which the rights of the child are or are not realized throughout the country, from the point of view of the child him/herself.

9. The indicators are annexed to this report and are intended to meet the Committee's request for statistical data, while focusing on the most relevant data for Belgium. They are referred to concisely throughout the report.

10. It is important to remain alert to the reality behind the figures. While Belgians are pleased that 8 out of 10 young people consider that they are in good or excellent health and that 99 per cent of children receive the appropriate vaccines before they are 6 months old (S1 and S4), one quarter of the children surveyed reported one or more health problems per day.

Although 9 out of 10 students feel comfortable at school (E5), and the enrolment rate is close to 100 per cent (E1), the figures point to persistent challenges, including inequality.

11. The socioeconomic level is correlated with the majority of the indicators, such as those on the knowledge acquired at school and attendance (E8) at specialized schools (E3). The origin of children is also a factor of inequity.

12. The work on indicators was guided by the best interests of the child, children's participation and non-discrimination. And although almost 90 per cent of the children are generally very satisfied with their lives (B1), Belgium has not lost sight of the remaining 10 per cent.

13. At the outset of the exercise, the Commission was mindful of the fact that some data were missing and that the effectiveness of all rights could not be measured. Indeed, children, who are among the most vulnerable, are still too often overlooked by data collection. This has been highlighted, and as such refers to areas where action is needed in Belgium. The Commission has therefore launched specific surveys in 2017, including of children in migration situations and in the closed sections of public youth protection institutions.

I. General measures of implementation

A. Legislation

[CRC/C/BEL/CO/3-4, para. 12] Guaranteeing that legislation is in accordance with the Convention

14. In early 2012, the Knowledge Centre on the Rights of the Child (KeKi) assessed the child impact report at the request of the Flemish Authority (CRC/C/BEL/3-4, paras. 29–30). The study called for greater integration of the report into the legislation impact analysis. These recommendations were taken into account and a specific checklist was developed, along with an instruction manual. The Flemish poverty test introduced in 2014 is also part of the legislation impact analysis.

Legislative changes

15. Only those laws that are not discussed below are described here.

16. Under the sixth State reform (2011–2014), certain matters relating to juvenile justice and family benefits were turned into matters for the Community.

[CRC/C/BEL/CO/3-4, paras. 34, 38]

17. In 2009, the constitutional right of every child to respect of his/her moral, physical, psychological and sexual integrity was complemented by general principles emanating from the Convention, namely, the right of all children to express their views in all matters affecting them, the right to benefit from measures and services that contribute to their development and primary consideration of the best interests of the child in all decisions affecting them (art. 22 bis).

[CRC/C/BEL/CO/3-4, para. 65c]

18. Since 2014, the right to family benefits has been enshrined in article 23 of the Constitution as an integral part of the right to live a life consistent with human dignity.

19. The Act of 5 May 2014 makes it possible for a co-parent in a female homosexual couple to establish filiation in the same way as for the father.

20. The Act of 30 July 2013 establishes the Family and Youth Court, composed of a trial chamber dealing with family civil matters related to family litigation; a youth chamber for minors at risk or in conflict with the law, which will include a specific section for minors no longer under the jurisdiction of the youth court; and a chamber for out-of-court settlements. The objective is to achieve greater legal certainty. The judges and prosecutors of this court will receive special training.

B. Coordination

[CRC/C/BEL/CO/3-4, para. 14]

21. In June 2015, the Commission was reformed in order to clarify its dual mission of "support to Governments" and "independent advice", as well as the roles played by its various members (civil society, professionals, representatives of administrative bodies, ministers and Governments).

22. Two bodies were established. The intergovernmental body, composed of members with voting rights, deals with intergovernmental mandates. The advisory body, composed of members with a consultative role, and autonomous, provides independent advice. Each of these bodies meets on a regular basis with a view to ensuring greater policy synergy. The Bureau of the Commission is now composed of members of both bodies, ensuring greater coordination.

23. Since the reform, the advisory body has rendered five public notices, including: children in migration situations, national indicators on the rights of the child, priority areas of concern during the drafting of the combined fifth and sixth periodic report of Belgium on the implementation of the Convention and the draft report, and relinquishment of jurisdiction.

C. Action plans

[CRC/C/BEL/CO/3-4, paras. 16 and 36] Action plans on the rights of the child

24. Taking into account the distribution of competences relating to the rights of the child, the federated entities have developed action plans on the basis of participatory processes. Reference to their implementation will be made throughout this report.

25. In order to implement the Committee's concluding observations, the Flemish youth policy 2011–2014 has been complemented by the (second) Flemish action plan on the rights of the child for 2011–2014, which includes the following fields of action: coordination and indicators, education and information on the rights of the child, participatory process, violence and child abuse, child poverty and equal opportunities, health and well-being.

26. The Flemish Authority is striving for an integrated policy on the rights of the child and young people that covers all areas with an impact on the lives of children and young people up to 30 years of age. The rights of the child as enshrined in the Convention and its Optional Protocols constitute the legal and ethical framework for that policy. On the basis of the decree on a new policy on the rights of young people and children (2012), the Flemish Government must submit to Parliament an integrated policy plan which describes how the Committee's concluding observations are being heeded not later than one year after the start of each legislative session. These strategic plans are monitored through an interim report and a final report including indicators, which are presented to the Flemish Parliament and the Commissioner for the Rights of the Child. In addition, reports are prepared each semester on 23 priority actions. Civil society is involved through the permanent study group on the rights of the child and youth policy (CRC/C/BEL/3-4, para. 36).

27. For 2015–2019, an integrated policy plan on the rights of children and young people was approved with a framework of goals based on the following priority themes: poverty, sustainability, being young, mobility, education, participation, space, well-being, housing, work and cultural education. These objectives are limited in time, have been translated into action and are monitored by indicators. The plan has also been aligned with other cross-cutting policies. The rights of vulnerable children are further protected by the Flemish action plan on combating poverty (with a focus on child poverty and families with young children), the horizontal action plan for equal opportunities, the horizontal plan for a policy on integration and the Flemish action plan on the prevention of radicalization conducive to extremism and terrorism.

28. The objectives of the plan were based on the discussion of key priorities held in 2013 with the participation of about 100 young people, youth workers, researchers, strategic actors and stakeholders. A child-friendly web-based version of the plan has also been developed.

and short films have been produced featuring interviews of children aged 13–17 years in order to interpret the plan in a child-friendly manner.

29. By decree, since 2004 the French Community has been tasked with preparing a triennial report of the Government to Parliament on the implementation of the Convention (CRC/C/BEL/3-4, para. 43). In the Walloon Region, there is no regulatory framework in this regard. In 2011, the Governments of the Walloon Region and the French Community jointly adopted an action plan on the rights of the child for 2011–2014, based on three pillars: administration of the rights of the child; information, training and education on the rights of the child; and combating social inequality and discrimination. It was defined in terms of strategic objectives, broken down into operational objectives contained in a detailed timetable. The plan was the subject of rigorous monitoring and mid-term and final evaluations by a standing group monitoring the Convention, consisting of representatives of the Government, competent authorities and civil society.

30. During the process of consulting with children on the preparation, monitoring and evaluation of the 2011–2014 action plan, 250 children were informed about the substance of the Convention and persuaded to speak about issues that affect them. The resulting recommendations gave the Government food for thought in its preparation of the next plan. This experience is likely to be repeated in the action plan on the rights of the child for 2015–2019.

31. Taking into account the evaluation of the action plan for 2011–2014, the French Community has adopted an action plan for 2015–2019 based on the same three priority pillars. Some measures, including measures dealing with equal opportunities, are also closely linked to the anti-discrimination action plan for 2014–2019 of the French Community.

32. The Walloon Region has adopted a new action plan on the rights of the child for 2016–2019, which was developed in collaboration with the French Community. It focuses on three areas: access to rights (to combat social inequality and discrimination); information, training and education on the rights of the child; and participation and the administration of the rights of the child (dissemination of the plan, including to children). Strategic objectives broken down into operational objectives have been defined within these areas, covering as many as 76 projects. There is ongoing cooperation on the plan with the French Community and many cross-cutting areas involving all the ministers of the Government of the Walloon Region.

33. In the German-speaking Community, the decree to support youth leadership (2011) provides that each legislature should adopt and implement an interdisciplinary strategic plan for youth. The strategic plan for youth for 2016–2020 identifies living areas for young people and sets out specific objectives for improving their situation. The Youth Council is part of the steering committee for the plan.

|CRC/C/BEL/CO/3-4 para. 65 b| Plans to combat child poverty

34. The national action plan to combat child poverty for 2013–2014, which extends beyond the borders of the Communities and Regions, marked the first time such a plan was developed in Belgium from a rights-of-the-child perspective, focusing specifically on combating child poverty. It was based on three key strategic areas: access to adequate resources, access to quality services and opportunities, and participation of children. There was particular emphasis on horizontal and vertical partnerships between the different strategic areas and levels of authority.

35. The strategic objectives of the third federal anti-poverty plan (2016–2019) include the reduction of child poverty.

36. Several plans with an impact on child poverty were also developed by the Communities and Regions.

|CRC/C/BEL/CO/3-4, paras. 42–43|

37. Both the national action plan for 2015–2019 to combat all forms of gender-based violence and the national action plan for 2013–2016 on women, peace and security through the implementation of Security Council resolution No. 1325 contain several specific measures for the protection of the rights of the child, including measures on honour-related

violence, forced marriages (child brides), sexual violence, violence within couples, victims of "loverboys", divorce, violence against children, equal access to justice and support services. A section of the 2013–2016 action plan focuses on the protection of girls against all forms of violence, including sexual violence.

38. At the Flemish level, collaboration between professionals in youth welfare, childcare, education, youth and sports to promote and protect the physical, psychological and sexual integrity of minors has resulted in the creation of a centralized helpline (1712) on violence and abuse of children and on raising awareness against sexual abuse and cyberbullying.

39. In the German-speaking Community, in 2014 a manual on handling cases of suspected or observed sexual abuse of minors was drafted for psychosocial actors. In 2016 it was extended to include academic actors.

[CRC/C/BEL/CO/3-4, para. 81]

40. For the periods 2008–2012, 2012–2014 and 2015–2019, Belgium implemented national action plans to combat human trafficking, which included paying special attention to the vulnerability of minors and unaccompanied foreign minors.

D. Budgetary allocation

[CRC/C/BEL/CO/3-4, para. 20; General comment No. 19]

41. Since 2010, the first steps have been taken to consider the feasibility of "child budgeting".

42. Within the framework of the action plan on the rights of the child for 2011–2014, the feasibility of mapping the budgets allocated by the Flemish Authority for improving the situation of children so as to target them more effectively was discussed.

43. The 2015–2019 action plan of the French Community highlights the need to assess the feasibility of child budgeting. An exploratory study was commissioned to identify international best practices in child budgeting and, with reference to the lessons learned from these experiences, to develop guidelines for the implementation of similar mechanisms.

44. The 2016–2019 action plan of the Walloon Region provides for monitoring this research to determine the feasibility of such a project.

E. Data collection

[CRC/C/BEL/CO/3-4, para. 22; CRC/C/OPSC/BEL/CO/1, para. 8]

45. In addition to data collection at the national level, the Communities have also pursued previous initiatives (CRC/C/BEL/3-4, paras. 119–128) and developed new ones.

46. The Flemish monitor of the rights of the child was launched in 2014. It provides a snapshot of the living conditions of children and offers tools to develop or adapt (future) policy. Following consultations with the various competent administrations and civil society organizations, it was decided to focus on a limited set of indicators of family life, relationships, time and space, education, health, vulnerable children, participation and well-being.

47. The Flemish poverty monitor (2010, yearly) includes indicators focusing specifically on the situation of children. The Flemish monitor of migration and integration (2016, twice-yearly) contains figures on all municipalities in Flanders and Brussels, along with the monitor of cities, which charts the user-friendliness of Flemish city centres for families and children.

48. The French Community conducts rigorous monitoring of the education system through its Education Indicators Service.

F. Training

[CRC/C/BEL/CO/3-4, para. 26]

49. Education and information on the rights of the child has been selected as one of the priority areas of the Flemish action plan on the rights of the child for 2011–2014. In September 2010, new interdisciplinary final objectives for secondary education were introduced in the Flemish Community, giving special priority to civic education. Education on the rights of the child is also subsidized under the political decree on the rights of the child and young people. The Convention, however, is not universally known or understood. Accordingly, a number of organizations for the rights of the child worked on the issue in 2014. In 2016, at the request of the Flemish Authority, KeKi issued a strategic opinion on this subject and a broad societal debate was held on the final objectives and substance of compulsory education.

50. In the French Community, the Observatory on Children, Youth and Assistance to Young People decided in late 2013 to conduct research on the status of knowledge on education relating to democratic citizenship, human rights and children in education. There is room for improvement with regard to the latter.

51. The decree on the organization of a course and of education on philosophy and citizenship in 2015 introduced civic education into the school curriculum.

52. The German-speaking Community set up a working group on education policy to foster understanding and cooperation among young people through thematic round tables and debates on topical issues.

53. Training initiatives for professionals on the rights of the child will be referred to throughout this report.

G. Cooperation with civil society

[CRC/C/BEL/CO/3-4, para. 28]

54. Belgium has continued to strengthen its cooperation with civil society (CRC/C/BEL/3-4, paras. 72–76).

55. Civil society was involved in the selection of the priority themes to be addressed in this report and in the formulation of suggestions on the draft report, through the advisory body to the Commission (supra).

56. As announced in the previous periodic report (CRC/C/BEL/3-4, para. 31), multi-year grants in the area of the rights of the child, including those of KeKi, were formally incorporated into the Flemish political decree on the rights of the child and young people. After a mapping, it was also decided to regularize the granting of a multi-year subsidy to the Flanders Coalition on the rights of the child for alternative reporting on the Convention (2012).

H. Business and children's rights

[General comment No. 16]

57. The Belgian forum on Children's Rights and Business Principles was established in January 2012 with the following objectives: to invite companies, Governments, academia and civil society to reflect on the important role they can play in the promotion of the rights of the child and the implementation of their policies and strategies in Belgium and abroad, and to cooperate with the business community to develop structural solutions and harmonize existing mechanisms at all levels of government, in particular to combat child poverty.

58. Belgium began in 2013 to reflect on a national action plan on businesses and human rights. Written consultations were held among stakeholders in 2014. A first draft of the action plan, including a proposal on raising awareness among businesses of the rights of the child, is currently being drafted and should be submitted to stakeholders in the coming months with

a view to its publication. Belgium also supports the UNICEF initiative on Children's Rights and Business Principles.

II. General principles

59. The general principles of the Convention must be the basis for any action in the area of the rights of the child; accordingly, their implementation will be addressed in a cross-cutting manner in this report.

A. Non-discrimination: disaggregated data

[CRC/C/BEL/CO/3-4, para. 32]

60. Data collected as part of the development of national indicators on the rights of the child are disaggregated to the extent possible by sex, age, origin, social and economic environment, language spoken, family composition and location.

B. Best interests of the child

[CRC/C/BEL/CO/3-4, para. 34]

61. The principle of the best interests of the child was enshrined in the Belgian Constitution in 2009.

62. Under the Belgian presidency of the Council of Europe in 2014, Belgium organized a European conference on the best interests of the child, the goals of which included the following: to identify and develop beacons for practitioners and policymakers in recognition of that principle. In 2015, the Committee of Ministers of the Council agreed on the proposal by Belgium to make reference to the best interests of the child in its new strategy on the rights of the child for 2016–2021.

C. Respect for the views of the child

[CRC/C/BEL/CO/3-4, para. 38] Legal provisions that guarantee the right of the child to express his/her views in judicial and administrative proceedings

63. In 2009, the right of the child to express his/her views on any matter that concerns him/her was enshrined in the Belgian Constitution.

64. The Act establishing a Family and Youth Court added a section to the Judicial Code on the hearing of minors. In that context, all minors have the right to be heard by the family court judge in cases that affect them. The judge must inform any minor aged 12 years or older of this possibility by means of a specific form, which explains how the child may express his/her views on the matter and how the judge shall take those views into account. Children under 12 years of age may be heard, but only at their request or at the request of the parties or of the public prosecution service, or by the decision of the judge.

[CRC/C/OPSC/BEL/CO/1, para. 34]

65. Under the Act of 30 November 2011 amending legislation to improve the handling of sexual abuse and paedophilia committed by persons in a position of authority, the Crown Prosecutor or the investigating judge must make audiovisual recordings of hearings of minors who are victims of or witnesses to specific sexual offences.

[CRC/C/BEL/CO/3-4, para. 36; General comment No. 12] Promoting the participation of all children at all levels of government

66. In addition to the participatory process adopted in developing the action plans on the rights of the child, several other measures deserve mention:

- In 2012, the Flemish Government entered into the 2020 Youth Pact with young people and stakeholders after an intensive participatory process in collaboration with the Flemish Youth Council;
- At the request of the Flemish Authority, KeKi in 2015 issued an opinion on innovative ways of involving children and young people in various areas of Flemish policy. This opinion was used to create a network for children and young people to participate in politics;
- In early 2016, a number of people took part in a citizens' cabinet for youth, with concrete ideas about enhancing diversity in the work of Flemish youth. These ideas were transposed as strategic recommendations into concrete actions within the framework of the continuing trajectory of the youth work sector;
- In the German-speaking Community, the Youth Council coordinates a working group on youth organizations to create strategies on fostering their involvement in community action.

III. Family environment and alternative care

A. Preschool

F3. Availability of places

67. In 2014, more than 40 per cent of children under 3 years of age attended formal preschool in Belgium. Several studies show that accessibility varies by locality and that attendance depends on the origin and socioeconomic status of the parents.

[CRC/C/BEL/CO/3-4, para. 45]

68. The three Communities are attempting to address the lack of available preschool places. The objective of the Flemish decree organizing the reception of babies and infants (2012) is to have enough places available by 2016 to accommodate half the number of children under 3 years of age and, by 2020, to meet the needs of all families. The objective of the Stork Plan III 2014–2022 of the French Community is to create 14,849 places by 2022 in community-care facilities and family-style settings. The German-speaking Community opened a second day nursery in 2015.

69. In order to continue to address inequalities in access to care for children from vulnerable families, the number of available places where fees are linked to income was increased in all three Communities. In the Flemish Community, facilities where the parents pay according to their income and which agree to make further efforts to reach vulnerable families receive higher subsidies. Thus, the new regulations (2013) provide that it is the responsibility of the organizer to offer a minimum percentage of places to priority groups in order to be eligible for subsidies: 20 per cent or 30 per cent, depending on the level of subsidy. This led to a number of facilities mapping their families' profiles and adapting their childcare policy accordingly. Stork Plan III aims to adjust supply to demand and to the reality on the ground, to make its places financially affordable, to make vulnerable families aware of their existence and to diversify their capacity. A new decree on childcare adopted in the German-speaking Community (2014) expanded the range of available childcare options in accordance with needs through a more accurate financial evaluation of the participants.

70. The three Communities have stepped up efforts to address inequalities in access to (inclusive) care for children with disabilities. The Flemish "reception" decree and order on subsidies for afterschool care (2014) laid down new regulations on subsidies leading to the establishment and subsidization of 16 inclusive childcare centres in 2014. In addition to organizing their own childcare, these centres offer coaching to other groups. In 2015, the centres helped 206 groups to organize inclusive childcare. The French Community, the Walloon Region and the French Community Commission took steps to make childcare facilities inclusive. Mobile nurse teams, whose training has been provided by the Birth and Childhood Office since 2012, are operational. In the German-speaking Community, under a

decree from 2014, higher subsidies are offered to facilities that accommodate children with disabilities.

71. Further efforts are also being made for staff training. The Flemish "reception" decree makes it compulsory to authorize the opening and operation of childcare facilities for babies and infants. Obtaining the necessary staff qualifications is one of the conditions of authorization. This requirement has been in place in the French Community and German-speaking Community since 2003 and 2014 respectively.

B. Assistance to young people

[CRC/C/BEL/CO/3-4, paras. 45 and 47) Reforms

72. Assistance to young people has changed significantly, moving towards more integrated systems that can provide services that are better adapted to needs, make the assistance more accessible, reduce waiting times and strengthen legal safeguards.

73. The new Flemish decree on integrated assistance to young people (2013) and the decree on the legal status of minors constitute the framework for the rights of the child in the provision of assistance to young people within the Flemish Community and lay the foundations for the continual observance of the Convention in doing so.

74. The reform is aimed at a thorough restructuring to achieve an integrated system of assistance through collaboration among the six main actors, namely, the Youth Welfare Agency, the Child and Family Agency, the Agency for persons with disabilities, the mental health centres, the general welfare centres and the pupil guidance centres. Existing organizations are not being replaced, but a single legislative and administrative framework is planned for them.

75. In voluntary schemes, a distinction is drawn between assistance that is directly accessible and assistance that is not. The most drastic forms of assistance are not accessible on the sole initiative of young people or their parents. This type of assistance cannot be initiated unless it provides the most appropriate response to the request for assistance. Since the entry into force of the decree on integrated assistance to young people, each Flemish province has had an intersectoral portal in place to deal with the assessment. The portal replaces the former separate portals for specialized assistance to young people and for assistance to persons with disabilities. The portal's identification and diagnostic assessment process ensures that the assistance needed is correctly evaluated and, on that basis, various forms of assistance may be provided. The possibility of intersectoral combinations helps produce a better targeted response to the needs of the child.

76. An initial discussion on the functioning of the decree was held in the Flemish Parliament in June 2015. It was clear from the discussion that the process of requesting specialized assistance through the portal was still too complex, that waiting times were still long and that there were problems of continuity. These observations led to several adaptations being made to the plan entitled "Approach 2.0 to integrated assistance in Flanders". The portal processes were simplified, there is ongoing investment in expanding capacity, and tools are being developed to avoid interruptions in assistance. A new initiative involving mediation and dialogue with the client should help ensure the continuity of assistance.

77. In 2016, the Flemish pupil guidance centres opened a chatroom accessible outside school hours.

78. In the French Community, a decree enhancing the legal safeguards granted to minors in the framework of assistance to young people entered into force in 2012. Its preliminary title states that compulsory assistance is subsidiary; that young people should be removed from their home environment only as an exception; and that young people and their families are entitled to specialized assistance and to respect for their rights and freedoms as set forth in the Convention.

79. Also in 2012, the circular on the harmonization of administrative practices and procedures in the provision of assistance to young people and judicial protection services was adopted. In addition, between 2010 and 2015, a number of cooperation agreements

reinforce the synergies between professionals working in the areas of assistance to young people, children, disabilities and child poverty were signed to provide more coherent and appropriate responses to young people and their families, while avoiding waste of human and financial resources. An assessment of these agreements confirms their substance and raises the need to be attentive to their implementation, in particular with regard to communication between relevant actors.

80. As part of the sixth State reform, a sweeping legislative reform was launched that will take the form of a code covering prevention, assistance to young persons, protection measures for young persons at risk and custodial and educational measures for young people who are being prosecuted for an offence. The draft Code, currently before Parliament, will strengthen prevention and allow for greater consideration of the best interests of the child and of the guarantees of respect for their human rights.

Participation

81. The right of minors to benefit from assistance to young persons is enshrined by decrees of both the Flemish and the French Communities (since 2012 for the latter). Assistance may be provided on a voluntary basis only if accepted by the minor (12 years of age, or from the moment he/she is able to evaluate the consequences of such acts) and his/her parents.

82. Also in the context of legal aid, the highest importance is attached to accessing such aid. The adviser of the youth court social service always meets with minors who have cases pending against them and, depending on the minor's age, a dialogue ensues.

83. In the residential facilities of the Flemish Community, each peer group must have its own users' or residents' council.

84. According to a 2014 study by the Flemish Care Inspectorate of organizations specialized in assistance to young persons that provide housing and day-care support, the minors in most of the facilities were sufficiently involved.

85. In the Flemish Community, organizations of and for young persons and their parents (Cachet, a support group run by and for young people in care, and Ouderparticipatie Jeugdhulp Vlaanderen, which seeks parental involvement in youth welfare) are involved in and consulted on the development of new strategic lines, including the development of integrated assistance to young people and new youth legislation. These organizations have collaborated on this project with young people from the public youth protection institutions and their parents.

86. In the French Community's draft Code on prevention, assistance to and the protection of young persons, the rights to information and to participation have a central place.

[CRC/C/BEL/CO/3-4, para. 47] Avoiding institutionalization

87. In Belgium, assistance to young people is seen as a continuum that includes various forms of assistance, ranging from entirely voluntary measures and ongoing assistance to, as a last resort, coercive measures (CRC/C/BEL/3-4, paras. 326–331; 341–349). Requests for assistance continue to occupy a central place. Non-voluntary measures can be imposed only after the intervention of the youth court, which, in accordance with the law, must give preference to measures that enable minors to remain in their home environment. These measures are limited in time and must be continually reassessed.

88. Initially, placement is avoided through the diversity of measures and their prioritization. The Communities have taken various initiatives.

89. The Flemish Community is trying to strengthen the network for minors and their families, concentrating on mobile work (home visits) and day-care provision and on operationalizing methods that focus on the network. Tailored training is conducted for the staff and organizations involved. Capacity has been expanded and residential assistance has been transformed into day-care provision. Most forms of mobile or day-care support have been directly accessible since 2015, so that children and their parents can themselves obtain

such forms of assistance more easily. The youth court was recently empowered to impose day-care or mobile measures in emergency situations, so as to avoid institutionalization.

90. In addition, staff providing assistance to young people and adults are collaborating more closely on mental health care, so that fewer children have to be institutionalized because of their parents' psychological problems.

91. In 2011, the Flemish public youth protection institutions and some facilities providing assistance to young people signed a cooperation agreement on "time out". This allows for the short-term institutionalization (14 days, renewable just once) of a young person who is following an existing form of assistance when that assistance is proving problematic. The objective is to restore the client relationship and encourage the young person to return to his/her original facility in order to prevent the risk of long-term institutionalization.

92. In the implementation of the French Community action plan on the rights of the child for 2011–2014, a centre for registering claims, analysing them and then deciding whether a referral to front-line services would be appropriate has been set up in all services providing assistance to young people.

93. In addition, services providing assistance in the community have continued to take preventive measures to support families in precarious situations, and centres for teenagers, aimed at responding more effectively to the challenges young people face, are gradually being set up in the French Community.

94. In order to prevent the institutionalization of young children, in 2013 an order on assistance and educational support services in the French Community strengthened non-residential services that could help reintegrate young people into their families. The order provides for intensive follow-up interventions within the family to care for children under 6 years of age in situations of serious, potential or actual neglect or abuse, which makes it possible to continue this mode of intervention.

95. The French Community is constantly encouraging collaboration between professionals involved in assistance to young people and those working in education, particularly where young children are concerned. The following initiatives are noteworthy:

- Assistance to Young Persons/Birth and Childhood Office/Directorate-General of Prisons Agreement on children (under 3 years of age) whose mothers are incarcerated;
- Preparation of a guide to best practices regarding children (under 6 years of age) of incarcerated mothers.

96. It should be stressed that the draft Code on prevention, assistance to and the protection of young persons provides for significant efforts to prioritize measures so as to offer a range of alternatives to removal from the family environment.

[CRC/C/BEL/CO/3-4, para. 47] Prioritizing family-type care settings

97. If, however, the youth court feels that removal from the home is appropriate, the law favours placement in a family environment.

98. In the Flemish Community, the preference given to foster care as the first option was established by decree in 2012. This involves quality foster care and a unique form of financing. The focus is on the diversity of available foster care (short-term emergency care, limited care in support of fragile family circumstances, more intensive care intended to lead to a return home and to more stable long-term placement), possibly in conjunction with other forms of assistance in order to make the care more accessible and find more foster families. Efforts are under way to make counsellors more knowledgeable about foster care. In late 2015, foster care grew by 6 per cent over the previous year. According to a qualitative survey (2017) of young people in foster care, they are generally very satisfied with this form of assistance. These children did, however, say that their knowledge of their rights and duties was inadequate.

99. The French Community is continuing its support for foster families by: simplifying administrative procedures, reducing delays in the reimbursement of expenses and providing cash advances; shortening the selection process; publishing explanatory brochures for the

public; and publishing a handbook for foster families. A comprehensive awareness-raising and recruitment campaign for foster families is also under way.

100. In the Flemish Community, under the decree on integrated assistance to young people, the youth court may, exceptionally and for a maximum of one year, place a young person at risk in an appropriate open institution at the request of the public prosecution service and, exceptionally, for a maximum of three months, place minors aged 14 years and older in an appropriate closed institution where it has been shown that such minors have repeatedly evaded less restrictive measures, and that this is necessary to maintain the individual's integrity. For their residential facilities, the Flemish public youth protection institutions work together with teams from private facilities that are committed to the return of young people who have come from different sectors of assistance.

101. In March 2017, an Act to amend the legislation by creating the status of kinship carers was adopted by the Chamber of Representatives, which allowed parental authority to be delegated to kinship carers by means of an agreement, a ruling, or in the event of an emergency.

[CRC/C/BEL/CO/3-4, para. 45] Reducing waiting times

102. Reducing waiting times is still a major priority.

103. In the Flemish Community, the intersectoral portal and the centralized registration system now provide an overview of clients and their experiences with the sectors providing assistance to young people that are not directly accessible. In addition, the registration data from the different sectors are compiled into a single integrated data set. The 2015 intersectoral annual report was the first to be drawn up on this basis. The report will serve as a benchmark for tracking changes in the years to come. The registration method is not the same for all the directly accessible sectors of assistance to young people. An intersectoral approach is currently under development.

104. In 2015, the intersectoral portal registered 14,307 children and young people for whom specialized and/or intensive care was requested. Such assistance was not always readily available. Waiting times varied considerably, depending on the region and the type of assistance requested. Thus, the average for the Agency for Persons with Disabilities is higher than that for the Youth Welfare Agency and the Child and Family Agency. Some 65 per cent of minors received appropriate assistance within 60 days. However, about 535 decisions on assistance to young people have been taken for minors who have been waiting for over a year. As at 31 December 2015, 7,347 candidates were on a waiting list, compared with 7,427 a year earlier.

105. Although delays remain an obstacle, alternative solutions have been found for many young people who are waiting, and, where possible, agreements are concluded between the aid sector partners to prevent interruptions in processing. Additional resources were made available in 2015. The same will apply in the coming years. As a result of an increasingly effective regional registration system, more targeted investments can be undertaken and programmed.

106. Within the framework of the 2015–2019 action plan for the rights of the child, the French Community is taking steps to ensure adequate assistance to children in difficulty or danger by evaluating the needs for services according to geographical areas and issues. This is being achieved through the implementation of the capacity-building mechanism (2014), which aims to give decision-making bodies privileged access to a number of cases so that they can give priority to those young people who are most in need. A preliminary evaluation of its implementation (July 2014–July 2015) concluded that imbalances between districts remain, and that the expectations of beneficiaries relate mainly to assistance in the home environment. There are fewer young people waiting for a place in an institution.

IV. Disability, basic health and welfare

A. Children with disabilities

[General comment No. 9]

107. Conscious of the challenges in this area, Belgium has taken many steps to improve the effectiveness of the rights of children with disabilities. Although significant progress has been made, in some areas, such as access to inclusive education, there is room for improvement.

[CRC/C/BEL/CO/3-4, para. 36] Information and participation

108. In 2012, a Flemish support point for inclusion was established in order to respond to the growing need for information and support of parents who want inclusion for their child with disabilities.

109. The French-speaking Parliament of Brussels adopted a decree on the inclusion of persons with disabilities, anchoring the principle of freedom of choice and the participation of persons with disabilities, their families and those around them in all processes that affect them (2014).

[CRC/C/BEL/CO/3-4, para. 55] Support measures

110. In the Flemish Community, sectors providing integrated assistance for young people are encouraged to expand the services they offer to children with disabilities.

111. Where specific assistance is concerned, the future plan for 2020 represents the basis for a fundamental reform of how care and assistance are organized. The plan has two objectives: to ensure care for persons with disabilities who have the greatest need of assistance, and to provide demand-driven care and assistance in an inclusive society:

- Organizations offering specific care and assistance have been transformed into multifunctional centres for minors;
- The provision of directly accessible assistance has been strongly encouraged;
- "Support plan" services have been set up to help persons with disabilities and their networks clarify their requests for assistance and identify the most appropriate form of assistance.

112. The principal innovation is the introduction of "personalized finance" (decree of 2014), involving a complete reorganization of care and assistance. A two-stage system was introduced: a core support budget, and a personalized budget for assistance that is not directly accessible. For minors with disabilities, the first stage has been implemented since early 2017, while the transition to the second stage is planned for 2019.

113. The new strategy for assistance and the introduction of "personalized finance" should provide a structural response to the problem of waiting lists.

114. The Walloon and Brussels-Capital Regions and the French Community have joined forces to map the needs of families who have a child with disabilities under 12 years of age. The study suggests a number of priority areas for action: access to information, visibility and clarity of services, the support needs of parents in the long term, support to existing services, the strengthening of the network of collaboration and the creation of new initiatives, and increased awareness of the needs of families.

115. In the Walloon Region, in 2014 the regulatory framework for respite services was approved in order to sustain and expand the provision of such services. Various solutions are being proposed for children and adults with disabilities and their families: active care at home, and individual or group activities outdoors. Some 50 per cent of the beneficiaries with disabilities are under 18 years of age. Two additional mobile assistance units for home-based care have been set up.

116. Within the framework of the 2011–2014 action plan on the rights of the child and of a cooperation agreement with the Birth and Childhood Office, several inclusive care projects (programmes comprising specific initiatives) have been supported by the Walloon Region. Many initiatives have also been taken to sensitize and train care facilities staff about inclusion.

117. In 2016, the Walloon Region, the French Community and the Brussels-Capital Region adopted a joint cross-cutting autism plan to establish a shared proactive policy on improving care and living conditions (housing, education, training, diagnosis, sports), particularly for autistic children.

118. Through the actions included in the 2016–2019 plan, the Walloon Region intends to support the parents of children with disabilities and special needs through panel discussions, training, early intervention services and the development of respite services.

119. Similarly, in collaboration with the French Community Commission, the project on organization and coordination of early intervention for inclusion, which intervenes at the request of care facilities (and not of parents) and provides them with professionals, has been subsidized since 2013.

120. Financial assistance for modifying the living quarters is available, under certain conditions, all over the country. For example, since 1 July 2015, the Agency for a quality life may intervene financially to develop special installations that enable access to the homes of both parents if they live apart (previously limited to the child's domicile).

[CRC/C/BEL/CO/3-4, para. 55] Inclusive education

121. In comparison with other European countries, Belgium has a relatively high number of pupils with special educational needs and opts more often for a solution in special education.

122. With the decree on measures for pupils with special educational needs (Decree-M, 2014), the Flemish Community took the important first steps towards implementing the United Nations Convention on the Rights of Persons with Disabilities and gives priority to inclusive education.

123. The Decree-M ensures that students with special educational needs who follow the joint curriculum have an absolute right to enrol, as well as the right to reasonable adaptations.

124. Pupils with special educational needs who follow an individualized curriculum also have the right to enrolment in mainstream education, but the school can decide on the reasonableness of the necessary adjustments, in consultation with the parents, the pupil, the Class Council and the pupil guidance centre. If the school believes that the proposed modifications are unreasonable and wishes to cancel the enrolment on that basis, it must state its reasons in writing. There is an administrative procedure for legal protection when parents do not agree with the decision.

125. Referral to special education is based more on the educational needs of pupils than on purely medical grounds. A child may be referred to special education solely on the basis of a report by the pupil guidance centre. The Education Inspectorate will ensure quality control of the reports.

126. The decree also includes a number of measures to support teaching teams in regular schools. A safeguards regime provides for the transfer of staff, teaching hours and expertise if, as a result of Decree-M, the number of pupils in special education decreases. More training services for teaching teams, and priority redeployment, are also involved.

127. Since the approval of Decree-M, the number of pupils in special education has fallen for the first time, primarily in basic education. Secondary education is expected to follow suit. The implementation of the absolute right to enrolment still faces hurdles, and the notion of "reasonable modifications" lacks clarity. In January 2017, the Flemish Minister for Education transmitted a note on a model of support for the implementation of Decree-M to the Flemish Education Council.

128. In the French Community, a decree was adopted to extend the integration into mainstream education of all types of special education (2011). The number of integrated

students has risen significantly, from 523 in the 2009–2010 school year to 2,020 in 2013–2014. In the same school year, 36,106 students were enrolled in special education. Inclusive education thus remains a key focus, and a project for the establishment of inclusive classes is being developed.

129. Having found that the regulatory framework on school transport in special education has become obsolete and has lost its consistency, the Flemish Government in 2015 approved a new concept note on the introduction of Decree-M (transportation of pupils with special educational needs who are enrolled in mainstream education) and the conversion or establishment of multifunctional centres (the need for more flexible transportation). Under this model, the transportation of pupils is decentralized and organized multimodally. The scope of care, transport needs and the family context will be crucial for the choice of adequate transport. The organization of extracurricular childcare is another important pillar of this new concept. Its implementation is being tested through a pilot project that will contribute in several phases to its model implementation starting with the 2018–2019 school year.

130. With regard to the inclusion of children with disabilities in childcare facilities, the French Community is working with the Walloon and Brussels-Capital Regions on maintaining the logic initiated in compulsory education. In 2016 and 2017, the Birth and Childhood Office also developed a programme for the dissemination of study kits to support the inclusion of all children with special needs.

131. The decree of the French Community Commission on the inclusion of persons with disabilities (2014) lays out the tasks of support services for inclusion both in and out of school. These services work with persons with disabilities and their families to provide individual support, both during and outside school hours, either inside or outside the school; ensure the care of persons with disabilities and the provision of educational, social, psychological, medical and paramedical benefits; and encourage increasing autonomy in all areas.

132. The new Flemish regulations on the accessibility of public buildings came into force in 2010 for both new structures and renovations. However, the findings of the five-year survey conducted in schools show that there is much room for improvement. In the French Community, the terms of reference for all new school buildings provide for modifications for children with special needs.

B. Harmful traditional practices

[CRC/C/BEL/CO/3-4, para. 63]

133. Since 2010 the fight against female genital mutilation (FGM) has been an explicit part of the national action plan to combat all forms of gender-based violence. Since March 2014, multidisciplinary care has been provided in two referral centres for women who have undergone excision. Since July 2014, the law has also called for the punishment of persons who incite or advertise FGM.

134. A study was conducted in 2012 on the prevalence and risk of FGM in Belgium. The findings showed that as at 31 December 2012, 48,092 women and girls living in Belgium were citizens (at birth, or currently) of a country where FGM is practised. Of these, 13,112 women and girls have "very probably undergone FGM" and 4,084 are potentially at risk.

135. Several measures are noteworthy:

- Government support to civil society organizations to carry out prevention, awareness-raising and training in Belgium for nationals of the countries concerned;
- As part of the Coordinated Strategies against FGM, a reference framework for analysis and action in the French Community was developed in 2013. In 2017 the French Community is supporting an information and training programme for professionals in the field with the support of the Group for the Abolition of Sexual Mutilation (GAMS);
- The Flemish Forum on Child Abuse in 2013 facilitated workshops convened and chaired by INTACT and GAMS for the key sectors of well-being, health and police-

justice. Since then, some sectors — such as the pupil guidance centres and the Child and Family Agencies — have taken initiatives, including modules and phasing plans;

- A multidisciplinary intervention guide for professionals was developed for each sector of activity in 2011;
- Civil society organizations have developed, with the support of the Institute for Equality between Women and Men and the Flemish Forum against Child Abuse, a national prevention kit for professionals on FGM. The kit contains, inter alia, a leaflet outlining the criteria for risk assessment, the scale of risk and the decision tree;
- Various awareness-raising campaigns focus on the criminalization of FGM.

C. Mental health and children in psychiatric care

[CRC/C/BEL/CO/3-4, para. 59] Reform of the mental health-care system for children and adolescents

136. Belgium is continuing its efforts with regard to the accessibility of mental health care, giving priority to quality care that is suitable for children and young people and located near their home environment.

137. In March 2015 the guidelines on a new mental health policy for children and adolescents was approved at the federal and Community levels. The guidelines contain, inter alia, a national plan for a new mental health policy for children and adolescents for 2015–2020. The policy is based on the finding that what is available to this public is inadequate for their needs, is not integrated and does not adequately address the determinants of health and socioeconomic context. Its core mandates are early detection, screening and counselling, diagnosis, treatment, inclusion in all spheres of life, and the exchange of expertise. To that end, collaboration in the fields of assistance to young people and mental health care for children and young people is being bolstered, and regional networks have been established.

138. In the German-speaking Community, a mobile response team was set up in 2011 to provide psychiatric care for minors.

[CRC/C/BEL/CO/3-4 59b, paras. 57 and 59b] Equal access to services

139. Since the entry into force of the order on fees for mental health centres (2013), these centres have been charging uniform rates for non-medical consultations. The order sets reduced rates for patients who are dependent on their parents or a legal guardian and who, without the latter's knowledge and because of problematic relations with their parents or guardian, must travel to a mental health centre.

140. With regard to migrant children, it should be mentioned that in early 2016, nine mental health centres were reinforced so as to offer additional individual therapy and support to front-line services. Solentra, a specialized service providing diagnostic and therapeutic support to refugees, migrant children and their families, was expanded.

141. The Walloon Social Action and Health Care Code (2011) sets the fee for mental health services at €10.

[CRC/C/BEL/CO/3-4, para. 59c-d] Protection in the event of institutionalization

142. In the Flemish Community, the Care Inspectorate conducts general audits in psychiatric institutions at least once every five years. In autumn 2016, special inspections were conducted regarding restrictions of liberty in the services.

143. The Walloon Region provides for the establishment of a system adequately to inform children in psychiatric institutions of their status, including the duration of their stay.

D. Health and health care

S5. Postponement of health care

144. Some 11.7 per cent of children in Belgium are part of a household in which health care had to be postponed in 2013.

[CRC/C/BEL/CO/3-4, para. 56]

145. The measures on increased benefits pursuant to the Royal Decree of 15 January 2014 are intended to improve access to health care for disadvantaged families by providing for larger reimbursements for health care for insured persons under a specific income threshold. In addition, certain categories of persons receiving social benefits as a result of their disadvantaged status are automatically entitled to increased benefits, as are children with disabilities, orphaned children and unaccompanied foreign minors.

146. This is also reflected in the new regulations on the third-party payment system established by the Royal Decree of 18 September 2015, which dictates that general practitioners must apply the third-party billing rule to beneficiaries of increased benefits (the policyholder pays only his/her patient contribution or co-payment). Affiliated dentists offer basic care free of charge for children.

147. In 2014, a far-reaching reform of preventive care for families was initiated by the Child and Family Agency with the entry into force of a decree on the matter. The decree explicitly refers to the objectives of the Convention and is intended to provide care, as part of efforts to combat child poverty, for prospective parents and families with vulnerable children and young people. The reform should make the service more efficient and allow for additional psychosocial and educational support for families with young children.

148. The reform was linked to the launch of the Children's Houses. These are extensive local networks of actors who can provide support to families with children, meant to engender opportunities for more integrated and comprehensive support. Meanwhile, 128 Houses are active in 182 municipalities in Flanders.

149. In the Brussels-Capital Region, through the Brussels Children's House, the Flemish Community Commission will make Dutch-speaking family services accessible by enhancing the accessibility of preventive family support and infant care and afterschool facilities and by improving perinatal health through supply coordination and support. This fits into the Brussels Plan to combat poverty, which seeks to "improve the prenatal, perinatal and post-natal health of extremely vulnerable mothers and the newborn". One priority will be to make the provision of care, which is currently fragmented and insufficiently accessible, more visible and accessible to extremely vulnerable families in the Brussels-Capital Region. Partnerships will be promoted between actors involved with women's sexual and reproductive health and households at risk.

150. With respect to promoting the realization of the rights of the child, the 2013–2018 management contract of the Birth and Childhood Office specifies that the Office prevents and combats unequal access to the right to health by providing a progressive universal service adapted to the most vulnerable, combating abuse, combating the institutionalization of children in hospital and closely monitoring children with disabilities, migrant children and those living in poverty. In order to operationalize the objectives of the management contract, the Birth and Childhood Office in 2014 adopted an action plan on vulnerability, perinatality and childhood containing 31 actions, including in the context of prenatal consultations and consultations for children, care facilities and parental support facilities.

151. In the German-speaking Community, the new centre for the healthy development of children and young people, Kaleido-DG (a child development centre), made up of the Child and Family Agency, school health centres and psycho-medical-social centres, was founded in 2014. The competencies of the perinatal centre were redefined accordingly in 2016. Kaleido-DG is counting on early prevention through the promotion of healthy physical, mental and social development of children and young people up to 20 years of age. It is composed of local offices with multidisciplinary teams and ensures full access to services for children. The centre is active among families, schools and training centres.

152. Aware of the persistent challenges, particular attention is being paid to the accessibility of health care for migrant children. A framework agreement was concluded between the Agency for the Reception of Asylum-seekers (FEDASIL) and the Child and Family Agency to better coordinate their services. The FEDASIL vaccination policy has been adapted to the profiles of new arrivals and short-term needs. In the context of preventive health care in reception centres for asylum-seekers and refugee children, the Flemish Agency for Care and Health provides translations of newsletters and consent letters, putting priority on immunization, and the Child and Family Agency services have been strengthened. Kaleido-DG systematically examines all migrant children under 3 years of age who have been referred to crisis centres. All unaccompanied foreign minors — whether or not they are from Europe — now have a right to health insurance.

E. Standard of living

[CRC/C/BEL/CO/3-4, para. 65a-b] Giving priority to child poverty

153. The inter-federal poverty barometer was revamped in 2013; a new web-based application makes it more user-friendly. Its main objective is to raise awareness of the phenomenon of poverty throughout Belgium, and it has a specific component measuring child poverty. According to the barometer, the rate of children under 18 years of age at risk of poverty or social exclusion remained almost constant from 2010 to 2015 (rising from 23.2 to 23.3 per cent), with some regional disparities. Belgium remains concerned about this figure, recognizing that poverty has an impact on the enjoyment of all rights (the rights of the child).

154. Under the first national plan to combat child poverty, the Federal Government has encouraged public social welfare centres to create platforms for local dialogue on child poverty with a view to detecting and preventing it. The target group for the platform initiative is children under 12 years of age in or at risk of poverty, with special attention to early childhood. Parents are also involved. Following its evaluation, the project was extended until 2015.

155. A declaration by the burgomasters on combating child poverty was made in early 2015. At the initiative of Belgium, the fight against child poverty has also been included in the European Urban Agenda.

156. As part of the social cohesion plan of the Walloon Region, 181 municipalities responded to a call for projects in 2013, with, for the first time, the possibility of including new actions for children's rights.

157. The German-speaking Community has defined a reference framework for creating coordinated assistance and supporting the resources of families facing multiple hardships. Social workers have jointly identified common tools to support families and evaluate the assistance. In 2014, a research project on "Poverty, hardship and social vulnerability" was commissioned by the Government, with a focus on child poverty.

[CRC/C/BEL/CO/3-4, para. 65c] Family allowances

158. As from 1 July 2014, responsibility for family allowances has been transferred to the Communities and "the right to family benefits" enshrined as a fundamental right in the Constitution. This right is seen as a right of the child, regardless of the parents' social and professional status. In order not to jeopardize the granting of allowances, the Federal Agency for Family Allowances can continue to administer the payment circuit on behalf of the federated entities until 31 December 2019.

159. The Flemish Community is using this "defederalization" to simplify the existing family allowance system and make it more equitable. There are three pillars to this reform:

- Each child receives an equal and unconditional basic initial amount, which must be sufficiently high to provide additional support to young families;
- Social and health-care supplements. The supplement for children in need of special care remains unchanged. The supplement for orphans is adapted to the current situation. The lump-sum supplement for family care will be paid in full to the parent

if the care is likely to continue. In order to offer additional assistance to families when they are actually in need, a social supplement is provided for children who grow up in a low-income family regardless of the parents' employment status. The size of the family and income ceilings are also taken into account in calculating the amount of the supplement;

- Attendance incentives: to facilitate access to preschool that is not linked to income, a supplement is provided for. Universal supplements for participation that increase with age are planned. In order to boost school attendance by young children, a supplement will be provided for three-year-olds if they are enrolled in nursery school and for four-year-olds, provided that they remain enrolled and have attended enough days during the first year of nursery school. School supplements are included in the "growth programme" and transformed into selective supplements for participation.

160. The Flemish Community will inaugurate the new system on 1 January 2019. Studies show that it will decrease the risk of poverty by almost 1 per cent.

161. For the Brussels-Capital Region, a study has been outsourced on the design of the future model. The results are expected in 2017.

162. In February 2017, the Government of the Walloon Region approved the new model for family allowances. For every child born on or after 1 January 2019, the family will receive a basic allowance of €155 until the child reaches 18 years of age, and €165 per young person from 18 to 24 years of age. The new system is intended to be simpler and more user-friendly than the current one, and supplements are planned to support the most vulnerable families, children with disabilities, and orphans. The administrative management of family allowances will be taken over by the Agency for a quality life by 1 January 2020 at the latest.

163. The German-speaking Community will use the optional transition period to analyse the situation of families and their needs in order to develop a balanced child support system. The decree on family allowances is currently being drafted.

[CRC/C/BEL/CO/3-4, para. 65d] Right to housing

S9. Housing conditions

164. In 2013, 20 per cent of children under 15 years of age were living in a household where inadequate comfort was reported.

165. Aware of the challenges in this regard, the Regions have taken numerous steps to improve access to the right to housing and to combat homelessness, including among children.

166. The Flemish action plan on combating poverty 2015–2019 refers to a recent study which showed that 3,019 adults and 1,675 children were registered for assistance to the homeless between 15 January and 15 February 2014.

167. The plan calls for a comprehensive approach to the homeless with a long-term vision, including the following actions and priorities:

- Increase in early 2014 of the allowance and the rental subsidy;
- Focus on the follow-up arrangements for those leaving institutions (psychiatric or special institutions providing assistance to young people);
- Prevention of evictions;
- Additional support for young adults who are taking their first steps in the housing market.

168. In December 2016, the Flemish Government approved the comprehensive plan for the homeless, the implementation of which will be followed by a shared platform.

169. With the decree on land and property policy (2009), each municipality has been assigned a binding social objective. The policy was modified in 2016. Since then, it has provided for an additional 50,000 social housing units to be completed by 2025.

170. Minors who are declared of full age and capacity, and young people who are assisted by an accredited autonomous residential service (accelerated allocation), may be assigned a social housing rental.

171. In order to respond to the influx of applicants for social housing rentals and the need to adapt the rules of access to such housing in response to evolving family situations, the Walloon Sustainable Housing and Habitat Code has undergone several changes.

172. Thus, the right to housing was guaranteed for tenants who moved in as of 2012, allowing them to benefit from the right to social housing in another dwelling if the one they occupy is no longer appropriate to the composition of their household. Similarly, the rules on household composition have been made more flexible to enable easier access by the largest families. The Municipal Housing Foothold Plan 2014–2016 specifies that 20 per cent of dwellings must have at least four bedrooms. Parents exercising the right to accommodation can be granted social housing that can accommodate children. The best interests of the child are taken into account, and applicants may choose the municipalities in which they wish to be allocated housing, based on the child's needs (place of schooling or care, proximity of other family members).

173. It should be stressed that in calculating the number of points needed to establish a priority right to housing, specific points are awarded to households with a disabled member and to minors living on their own. Since 2014 the latter have been entitled to removal and housing allowances.

174. Since 2012, the Walloon Housing Code has allowed households in difficulty to receive personalized assistance from a social worker. The Code also allows local companies, as an exception to the usual rule, to rent housing to households in dire social straits or in situations that endanger social cohesion. This applies particularly to situations where children are likely to be endangered by the lack of housing or the poor quality of housing. Some 45 per cent of tenant households have one or more children, and two thirds of them are single-parent families. The rules for the allocation of housing stipulate that 50 per cent of all vacant dwellings should be allocated to households in vulnerable situations.

175. In the Brussels Region, the upward trend in the number of families in social housing continues. The percentage of households with children rose from 34.6 per cent in 2010 to 36.5 per cent in 2014. Similarly, the percentage of large families with more than three children rose from 11.3 per cent in 2010 to 12.8 per cent in 2014.

176. The Brussels legislature has always paid particular attention to children from families experiencing difficulties. Since 1 January 2016, social housing agencies have been obliged to sign agreements on the priority allocation of housing in accredited care homes to victims of spousal or domestic violence, which applies to at least 3 per cent of all the allocations made in the previous year.

177. The Regions closely monitor the energy performance of social rental housing.

V. Education, leisure and cultural activities

A. Right to education

[CRC/C/BEL/CO/3-4, para. 67a] Maintaining the abolition of school fees

178. The Belgian Constitution provides for free compulsory education. However, school fees do exist, with an impact on equal opportunities.

179. The Flemish Community in 2008 introduced a cap on fees for nursery and primary education (CRC/C/BEL/3-4, paras. 622–624). For secondary education, parental contributions are not subject to a cap, but schools are encouraged to be reasonable about the fees they charge. Each year they must give parents information on financial contributions, and if the parents so wish, authorize staggered payments. The association SOS School Debts is subsidized to provide schools with cost control tools. The authorities are also trying to ensure that school allowances are granted more quickly, in accordance with income, and that

they reach their beneficiaries as efficiently as possible. A monitor of tuition fees (2016) was developed to measure, by level of studies, the actual amount of tuition fees and to determine whether current educational funding covers developments in this area.

180. French Community circulars from 2015 indicate that school fees are divided into four categories: expenses which the school may not require to be paid (enrolment fees or staff costs, heating or cleaning), expenses which the school may require to be paid (access to the pool and cultural activities, excursions, childcare fees, hot meals), expenses which the school may propose without making them obligatory (joint procurement of educational resources and voluntary subscriptions to journals), and other costs that may be subject to parental participation (extracurricular activities).

181. In the German-speaking Community, a decree to reduce school fees in primary education was drafted in 2014.

[CRC/C/BEL/CO/3-4, para. 67b] Ensuring the right to education for all children, regardless of their socioeconomic status

182. Belgium is aware of the challenges it faces with regard to equal access to education, and numerous measures are being taken in this regard:

Nursery school attendance

183. The Flemish Community continues to count on the early involvement of young children from 3 years of age, especially in socially vulnerable families. Through local consultation platforms, Child and Family Agencies, education shops, integration services and community centres, attempts are being made to increase enrolment by promoting the importance of nursery education. In early 2016, all teacher training for nursery education and educational support services were focused on training future nursery school teachers to manage precariousness and diversity, inter alia by incorporating these skills into their training (rather than treating them as an isolated subject) through individualized plans. All of the training is supported by a network that links up primary and secondary teacher training. As part of the reform of family allowances, a supplement is planned for nursery school attendance. In the French Community, discussions about the Compact for excellence in education resulted in a collective commitment to strengthen investment in quality nursery education for all. The Compact will be the occasion to mark out the frame of reference for nursery school.

184. In addition, the Flemish Community intends through regulation to: give schools additional teaching hours for young children just starting school and in order to provide equal educational opportunities; make minimum attendance figures a condition for receiving a school allowance; establish a contact point on "participation of young children" in community schools; and encourage schools to develop an active, integrated policy on the participation of young children. The pupil guidance centres are also mandated to provide support to schools for the participation of young children. The minimum attendance requirements have been extended from 220 to 250 half-days in order to be eligible for primary school. In the French Community, discussions are under way on lowering the age of compulsory education and the feasibility of establishing a minimum for nursery school attendance as a condition for enrolment in the first year of primary school. Awareness-raising projects for parents on the importance of regular nursery school attendance are being conducted.

Capacity

185. In the Flemish Community plans have been made to increase capacity in primary education, particularly in the city of Antwerp, Brussels-Capital Region and the "Flemish Rim" or periphery, but also in other cities, such as Ghent and Mechelen. In the French Community as well, additional budgetary resources have been allocated since 2013 to increasing capacity in areas or parts of areas where there is demographic tension in the Walloon Region and Brussels.

Specialized supervision

186. The Flemish and French Communities have adopted legislative measures to increase the supervision and operating resources assigned to schools that have greater needs because of the socioeconomic characteristics of their populations.

The Compact for excellence in education

187. In 2015, in recognition of the fact that despite funding beyond the European average and significant progress in mastering basic knowledge and combating repetition, the quality of education is still inadequate, and that there is still considerable room for improvement in education, particularly in terms of equity, performance, modernity and efficiency, the French Community decided to draft a compact for excellence in education. This extensive process of reflection is part of a participatory approach, involving children. In March 2017, the Government of the French Community approved the third version of the Compact, drafted jointly by actors in the education system.

188. The Compact is intended as a cross-cutting approach to significantly enhancing the quality of education around four goals: to match skills and knowledge with the needs of the school of the twenty-first century; to improve students' progress through school and combat school failure and inequalities; to support and invest in teaching staff; and to adapt the governance of the education system with a view to empowering its various stakeholders and improving the management of the school system and its performance. In particular, its objective is to create the conditions for implementing more personalized progress through school.

[CRC/C/BEL/CO/3-4, para. 67b] Stopping the referral of children from poor families to special education programmes

E3. Distribution of pupils in special and mainstream education

189. Socioeconomic status has a very strong influence on educational options in general.

190. The criteria on referral of Decree-M (supra) explicitly mention that if educational needs are based solely on the pupil's sociocultural or socioeconomic background, this must not result in a referral to special education.

191. In July 2015, the Parliament of the French Community decided "that a lack of knowledge of the language of instruction, or coming from a socially disadvantaged background, will no longer in itself constitute valid grounds for referral to special education".

192. The implementation of these provisions remains a major priority.

[CRC/C/BEL/CO/3-4, para. 67c] Promoting the education of children of foreign origin

E8. Inequality of academic achievements

193. In Belgium, origin and socioeconomic status have an influence on mathematical test scores.

194. Socioeconomic status, and the migration context in particular, has a clear impact in Belgium on school performance. This comes in for close scrutiny. Children of immigrant origin are offered reception classes and/or additional guidance in the three Communities.

195. The generally favourable ratings given to Flemish education policy do not constitute an excuse for inaction. Classes for newcomers speaking a foreign language are organized for young people who do not have Belgian or Dutch nationality, who have just arrived in Belgium and who have insufficient knowledge of Dutch. In basic education, additional teaching hours can be allocated to all schools for reception classes if the schools have a sufficient number of newcomers enrolled who speak a foreign language. In secondary education, such students are often sent to schools that offer reception classes specifically for people in their situation. Teaching hours set aside for "equal educational opportunities" are also provided for children in need of additional support.

196. The Flemish civic integration policy for foreign minors and young children speaking a foreign language, which is executed by the Flemish Agency for integration and civic integration, established in 2015, is aimed primarily at referring these children to the most appropriate school. Thanks to the exchange of information between the education data bank and the central data bank on civic integration, targeted actions may also be undertaken with respect to young people who are not registered. Referrals to medical and social services are possible. Social interpretation and translation services are planned, and priority is given to supporting the young people in their transition to adulthood.

197. In the French Community, DASPA, a reception and school enrolment scheme for newly arrived students, was made permanent by decree in 2012. Since then the schemes have been automatically renewed from year to year unless they fail to comply with the standards for continuing. They offer an intermediate stage of schooling for a limited period of time that is intended to provide coaching and learning support adapted to the difficulties of the language of instruction and of school culture. In-service training and educational support for teaching staff are also provided by decree.

198. The social cohesion programme of the French Community Commission maintains numerous support and assistance structures for schooling which look after children and young people from an immigrant background and/or who have recently arrived in Brussels. These structures offer activities for learning about citizenship. The programme also supports socio-legal clinics dealing with issues of interest to migrants, including one clinic intended specifically for unaccompanied foreign minors.

199. In the German-speaking Community, schools receive specific assistance to support newcomers (in terms of additional teaching hours). Students receive a practical education and as a matter of priority learn the language of instruction. In municipalities where reception centres for asylum-seekers exist, nursery and primary school classes are organized and subsidized. In secondary education, a reception class for newcomers is organized and subsidized, as needed. In order to promote educational integration, educational material is available to facilitate the learning of the German language.

200. The increase in the number of refugees in Belgium is reflected in the considerable growth in the number of newcomers in compulsory education who speak other languages.

201. In the Flemish Community, the number of students rose from 4,919 in April 2015 to 8,170 in April 2016. Additional measures have been taken to support schools. Resources have been allocated for temporary modular units for schools, which increase their capacity in the short term, and for transporting students from collective reception facilities to primary schools. Measures have also been taken to make secondary education more flexible in support of newcomers who speak other languages. As from 1 November 2015, additional places may be offered these students during the school year as well. The number of schools offering the reception classes increased from 49 in September 2014 to 90 in June 2016.

202. In the French Community, 1,295 additional teaching hours were granted to different schools for organizing DASPA schemes. Some 29 new such schemes were added to the existing 74 that had been running since the decree of 2012. It was also decided to fund an additional 28,000 hours for courses in French as a foreign language and literacy as a tool for social advancement.

203. In the German-speaking Community, the number of teaching hours was doubled for admission to secondary school. Primary education for pupils housed at Elsenborn was dispensed at the reception centre. To date, all the pupils have been integrated into the mainstream education system.

[CRC/C/BE/CO/3-4, para. 66c] Preventing school failure and dropout

E9. Early school dropout

204. Some 11 per cent of young people aged 18–24 years in Belgium have not completed secondary school and do not attend any school or training programme.

205. In order to address the dropout problem, the three Communities have developed a set of mechanisms based on a non-punitive approach.

206. In the Flemish Community, the number of school leavers has fallen in recent years; the apprenticeship and work system has the highest such percentage. The first action plan to prevent school-leaving was launched in 2013 with a preventive approach, to be followed by interventions whenever a student is at risk of abandoning compulsory education. These measures are complemented by compensatory actions when young people drop out without finishing their studies. In 2015, a concept note on "United against school-leaving" was published with specific actions on absenteeism and young people's right to education. An analysis of the effectiveness of linking school attendance to educational funding is under way.

207. In order to combat the practices of staying back or repeating the transitional year between nursery school and primary school, the project "Décolâge!" (a play on words, roughly translatable as "Takeoff") was launched in the French Community in 2012, giving priority to apprenticeships rather than to selection and reorientation. Initially the project targeted children aged 2.5–8 years and the adults around them; since 2014–2015, it has been extended to children up to 12 years of age. An extension to the first year of secondary school is also under way.

208. The French Community adopted a decree establishing joint policies on compulsory education and assistance to young people for the well-being of young people at school, school dropout prevention, the prevention of violence and support for counselling procedures (2013). These measures include mobile teams and the school's ombudsperson service; the internal school dropout prevention system; the personalized plan; and the school dropout prevention service.

209. Similarly, the first year of secondary school has been reformed (2014), adding another year after the first or second standard year for students experiencing learning difficulties. By devising an individual learning plan, the complementary year (not a repetition) should help them fill knowledge gaps and take ownership of effective learning strategies.

210. The German-speaking Community has added 25 new counsellors on educational integration to devise better training on the detection, prevention and handling of learning difficulties.

[CRC/C/BEL/CO/3-4, para. 69] Combating bullying and other forms of violence in schools

B4. Peer violence

211. About 7 out of 10 young people reported that they had not been provoked or "stalked" by another student in the two months preceding the survey; 7.0 per cent reported that they had been, at least once a week.

212. In June 2015, Belgium organized the first panel discussion on (cyber)harassment. At the international level, in 2016 Belgium supported the Call for Action of UNESCO on Inclusive and equitable education for all learners. The "No Hate Speech" campaign of the Council of Europe was launched in Belgium and Flanders. The Belgian Committee of the No Hate Speech Movement set up a training cycle for teachers and youth leaders. In 2016 a meeting was held of the new No Hate Speech-Flanders Movement 2016–2018. More than 80 organizations — mainly from the youth sector — have already joined. Also in the French Community, various partners of the No Hate Speech Movement formed a steering committee for the youth sector. The International Youth Office was tasked with pursuing and expanding the campaign, in cooperation with associations in the field. An action plan was drawn up, the first section of which deals with awareness-raising and prevention, and the second with cybersolutions.

213. In the 2015–2016 school year, the Flemish Education Council established a platform on harassment and welfare, comprising experts, school representatives, parents and students, researchers and the Flemish ministries of education and welfare. The platform drew up an action plan.

214. The following initiatives are also noteworthy:

- Since 2012, schools may call on the Flemish "media scientist" knowledge resource centre. In 2016, in collaboration with the Department of Education, the centre

launched a digital platform on which teachers and educators can address all aspects of cyberbullying;

- In collaboration with such organizations as the Vlaamse Scholierenkoepel (a coordinating organization of Flemish school students) and Jong & Van Zin (which deals with the protection of children against sexual abuse), peer mediation and support is encouraged in schools to combat bullying;
- "Re:pest" — a series of courses aimed at reducing harassment in secondary schools — continued to be deployed.

215. In the autumn of 2016, follow-up began on a scientific study on violence against children in the family, in school and in leisure activities.

216. In 2012, the action plan of the French Community to guarantee untroubled conditions for learning was revised for the second time. Several steps were taken in that connection, including:

- Two toll-free helplines: "School assistance" for teaching staff facing situations of violence or emergencies, and "School and parents" to inform the parents of students who have witnessed or been the victims of violence in schools;
- Training of students on peer mediation and student representation;
- Creation of the Observatory on violence in schools and dropping out;
- Publication in 2013 of a practical guide on the prevention and management of violence in schools.

217. In 2015, a circular was adopted in the French Community on new arrangements for interested schools on preventing and dealing with bullying in schools.

B. Rest, leisure, recreation and cultural activities

[CRC/C/BEL/CO/3-4, para. 71; General comment No. 17]

218. Efforts intensified in 2010 to ensure the right of all children to leisure.

219. In the Walloon Region geographical accessibility to leisure activities is also supported by the establishment of village and rural houses. These houses frequently host activities for young people with the aid of libraries, play centres and homework clubs. Supplementary fundraising has been planned by the French Community between 2016 and 2018 to help schools with childcare duties outside school hours and with holiday centres.

220. Particular attention is being paid to access by disadvantaged families to leisure activities. The Regions reinforce mobility through the tariff structures of public transport companies, taking age and social insurance income into account.

221. Thanks to the local networks for promoting the participation in leisure activities of persons living in poverty, more people in the Flemish Community have been encouraged to take part in activities related to culture, sport and youth work. The leisure activities available are adapted to the needs of children living in poverty through the "Uitpas" leisure card.

222. Additional resources for training youth leaders were allocated until 2015 for 54 municipalities for which seven sociogeographic indicators of social vulnerability among children and young people were relevant. These resources have been directly and automatically allocated to these municipalities by the municipal fund since 2016.

223. Special organizations for children living in poverty are supported and encouraged to collaborate more with other youth work structures. To that end the Embassy promotes coaches who establish communication between youth work organizations and people living in poverty. A call for proposals was launched in 2016 to encourage collaboration between organizations that cater to destitute children, sports clubs and youth groups in order to get children and young people living in poverty to participate in leisure activities over the long term.

224. The Flemish Authority also supports paying special attention to the leisure activities of refugee children. Time is set aside to get together and exchange information on "Art, culture, and youth work with refugees". The organization Vlaanderen Vluchtelingenwerk (Flemish Refugee Council) brings together young people who fled to Belgium with their parents to listen to their stories and meet their needs for leisure activities through its "Allochtones du futur" (another play on words, roughly translatable as "Tomorrow's foreign-language-speaking natives") programme (2013–2016).

225. In addition, many Sport Vlaanderen (the Flemish sports organization) activities are either free or offered at reduced prices. The neighbourhood sports expertise centre has been supporting initiatives geared at vulnerable groups since 2014. The "holiday participation" support unit ensures that low-income individuals can sign up for holidays through local social organizations.

226. Socioeconomically disadvantaged neighbourhoods or municipalities in the Walloon Region receive additional subsidies to increase the availability of leisure activities for young people. The "street sports" programme funds the creation of sports facilities in socially disadvantaged neighbourhoods. The participation of residents and children is the priority in the choice of activities and arrangements.

227. More activities are becoming available through social cohesion plans both in and outside social housing neighbourhoods in the Brussels Region.

228. The National Tourism Office is mandated under the first national anti-poverty plan 2015 of the Walloon Region to create a "tourism for all" project and develop a public-private partnership between tour operators and social partners, raising awareness among the former of the benefits of offering reduced rates to persons living in vulnerable situations, and among the latter of acting as go-betweens. The National Tourism Office subsidizes the Birth and Childhood Office to support social tourism for young people (€225,000 in 2015).

229. In the German-speaking Community a decree to support youth clubs is the basis for a structured subsidy (2011).

230. Guaranteeing the right to recreation for children with disabilities is another specific policy goal.

231. Research commissioned in 2015 by the Flemish Authority that involved interviewing more than 100 children in groups shows that children with disabilities are not easily included in existing leisure activities and youth work. They often feel unwelcome and are quicker to drop out. They are frequently referred to a limited number of leisure activities developed specifically for children with disabilities or to activities organized by the school.

232. In the Flemish Community there are youth organizations that work specifically with children with disabilities or that look after such children as part of their overall operations. In addition, sports federations are encouraged by decree to develop their activities in such a way as to enable children with disabilities to have access to sports. Preparations were begun in 2016 for a new decree, which would promote the work of such organizations.

233. In youth centres, the equal opportunities service of the French Community supports associations working on behalf of persons with disabilities and socioeconomically disadvantaged persons through the provision of employment assistance. Structural support is also given to associations to facilitate access to culture for persons with disabilities.

234. The Walloon Region ensures that sports and playground facilities are made more widely accessible for both children and accompanying adults. From 2011 to 2015, total investment amounted to €14,207,270. In addition, municipal playgrounds organized inclusive sports camp weeks.

235. The Directorate for Physical Education, Sports and Outdoor Living promotes appropriate physical activities and sports. Several sports camps for young people with disabilities are organized in collaboration with the French-speaking Handisport League, always promoting an inclusive approach. Training programmes for senior staff sponsored by the Directorate currently incorporate the notions of disability and the necessary adaptations.

VI. Special measures of protection

A. Children in migration situations

[CRC/C/BEL/CO/3-4, para. 38] The right to be heard

236. The Government submitted to the Council of State its draft proposals for the transposition of directives 2013/32/EU (asylum procedures) and 2013/33/EU (reception). Several measures have been taken to enhance the rights of minors, whether accompanied or unaccompanied. Accompanied minors will now be able to file a separate request for asylum from that of their parents and/or to ask to be heard separately from their parents by the Office of the Commissioner General for Refugees and Stateless Persons. The Office is explicitly called upon to give weight to the statements of minors in accordance with their age, maturity and vulnerability, and to give primary consideration to the best interests of the child as a guiding principle in the examination of asylum applications.

237. The 2007 "Reception" Act specifies the factors to be used in assessing the best interests of the child: possibilities of family reunification, well-being and social development of the minor, safety and security, and the minor's opinion in accordance with his/her age, maturity and vulnerability.

[CRC/C/BEL/CO/3-4, para. 77] Putting an end to the detention of children in closed centres

ME1. Residential accommodation in a place fit for children

238. In 2014, 22 young people claiming to be unaccompanied foreign minors were placed in a closed centre while their age was being determined (up to 3 days, which may be extended by an additional 3 days). In 2015, 54 families with children were held in closed centres for up to 48 hours.

239. The Act of 16 November 2011 enshrines the principle of non-detention of families with children in closed centres and stipulates that a family with minor children that does not meet the requirements for entry and stay, and whose stay has ceased to be regular or is irregular, should be housed in separate accommodation or in an open accommodation structure adapted to the needs of families with children (a "return house"). Since 2009, families that are denied access to Belgium and that cannot be sent back within 48 hours have also been lodged in return houses. Efforts are made in all the accommodations to separate minor children and their families from other occupants.

240. When families with minors are kept in a closed centre, this is only for a few hours and in a specific bedroom: either pending their transfer on the day of their arrival to a place of accommodation, or pending their removal to avoid an early-morning transfer to the airport.

241. In April 2016, the Council of State quashed the legal provisions authorizing an adult member of a family with minor children to be held in a closed centre until the family's return, and authorizing a family with minor children to be held prior to their removal in a closed centre which is not appropriate to their specific needs.

242. Because of the open structure of return houses, the runaway rate is high (38 per cent). In order to reduce that rate, five housing facilities adapted to the families' needs and taking account of the age of minor children were expected to be built inside closed centre No. 127 bis in 2017. These family houses will be used exclusively for families who have already been held in open accommodation facilities and who have run away. This measure will be used solely as a last resort after finding that less coercive measures have not worked, and will be limited to the time strictly necessary for removal.

B. Unaccompanied children

[CRC/C/BEL/CO/3-4, para. 75b; CRC/C/OPSC/BEL/CO/1, para. 36b; General comment No. 6] Guardianship

243. In 2014, the Act on guardianship was amended so that the guardianship system for unaccompanied foreign minors is now also applicable to minors from the European Economic Area (EEA) and Switzerland. To be considered for guardianship, minors must have applied for a residence permit as a result of human trafficking/smuggling or find themselves in a vulnerable situation (illegal residence, unstable social situation, pregnancy, infirmity, physical or mental disability, being a victim of human trafficking/smuggling or begging). The Guardianship Service assesses vulnerability on the basis of available information.

244. From January to December 2016, the Service received 130 reports of minors entering the country from the EEA; a guardian was appointed for 36 of them. In several cases, a domestic problem was at the root of the vulnerable situation. The appointed guardians are specialists and have received advanced training. Moreover, a working group involving all relevant authorities was launched and entrusted with drafting recommendations to ensure that these vulnerable situations are reported and monitored as efficiently as possible.

[CRC/C/BEL/CO/3-4, para. 75a; CRC/C/OPSC/BEL/CO/1, para. 36c] Extending particular care to all unaccompanied children

245. There are currently four residence procedures for unaccompanied foreign minors: application for asylum, application for a residence permit for humanitarian reasons or on medical grounds, a special residence procedure for victims of human trafficking/smuggling, and a special residence procedure for unaccompanied foreign minors, introduced by law in 2011. It should be noted that the 2011 Act is not applicable to unaccompanied foreign minors from the EEA. All unaccompanied foreign minors are now registered, whether or not they request asylum.

246. Under the procedure for unaccompanied foreign minors, the guardian can request a residence permit for his/her ward in order to find a lasting solution for an unaccompanied foreign minor who did not apply for asylum or whose asylum request was rejected. Since March 2015, the law has provided that this request may be made whether or not there is a different procedure under way for protection, authorization of residence or admission to an establishment.

247. Under the 2011 Act for the issuance of temporary residence permits to unaccompanied foreign minors, a "lasting solution" means: family reunification in the country where the parents are located, voluntary return to the country of origin or the country where the minor is authorized to reside, with all the safeguards of reception and/or care, and permission to reside in Belgium. The Act provides that in the search for a lasting solution, safeguarding the family unit is a priority. In practice, with regard to family reunification, there is always a case-by-case examination of the situation, taking into account the vulnerability of minors and article 10 of the Convention.

248. The 2011 Act provides that a lasting solution must always be sought in the best interests of the child. To that end, a constructive dialogue is established with the guardian, the young person and the lawyer. All of the relevant elements that apply specifically to the situation of unaccompanied foreign minors are taken into account. During their training guardians are informed of the possibility of finding a lasting solution.

249. If a lasting solution has not been found, a temporary residence permit is issued for a period of six months, which may be extended. Every effort is made to find a lasting solution before the minor reaches the age of majority. Problems may arise if the minor arrives in Belgium a few months before reaching that age, when the remaining time may be too short to allow for a comprehensive review.

250. In September 2014, FEDASIL launched a pilot project, "My Future", for unaccompanied foreign minors with no prospects of residing in Belgium in order to prepare them for possible scenarios at the end of their time in reception facilities.

251. To ensure that better account is taken of the concept of the best interests of the child, the Office of the Commissioner-General for Refugees and Stateless Persons launched the project through a consultative approach, proposing to analyse and respond to possible discrepancies between the best interests of the child and the right to asylum.

Enhancing capacities for care and protection

The Guardianship Service and guardians

252. From 2010 to 2015, approximately 240 guardians were sufficient to place all unaccompanied foreign minors under guardianship. In order to meet the needs generated by the sharply increased inflows of mid-2015, the Guardianship Service set up an intensive selection process. By the end of 2016, there were 633 active guardians. The Service, and the associations with which it had an agreement on guardianships, jointly agreed to recruit more guardians. Six additional full-time guardians were recruited in 2016, with the costs to be borne by the Federal Government.

253. In 2015 and 2016, the budget and staffing of the Guardianship Service were also boosted. It was decided to recruit 20 additional staff members. The budget rose from 3.1 million in 2010 to 6.5 million in 2017.

Available places

254. The number of places available specifically for unaccompanied foreign minors has also increased, from 800 to nearly 3,000 in mid-2015.

255. In the initial reception phase, unaccompanied foreign minors are accommodated in monitoring and guidance centres (CRC/C/BEL/3-4, paras. 756–769). Capacity in these specialized centres has risen from 115 to 495 places. In addition, since 2012, the reception centre in Sugny offers initial reception of up to four months for unaccompanied foreign minors who have not requested asylum.

256. In the second phase, unaccompanied foreign minors are referred to the collective reception facilities of the FEDASIL network, where the number of places available for unaccompanied foreign minors has also increased significantly, from 585 in 2015 to 2,162 places in 2016. FEDASIL also supports projects to house very young unaccompanied foreign minors with foster families.

257. In response to the large influx of unaccompanied foreign minors, the Communities, through their structures providing assistance to young persons, have taken several steps to receive and assist vulnerable young people, and has signed agreements in this area with FEDASIL.

258. In 2016, 145 additional places were created for unaccompanied foreign minors through joint financing by FEDASIL and the Flemish Authority.

259. The agreement between the French Community and FEDASIL made 130 places available for unaccompanied foreign minors in collective reception facilities. A unit for these minors was established in the administrative centre for assistance to young persons, which was responsible for managing the unaccompanied foreign minors plan. The plan is based on the implementation of a foster family system for 40 unaccompanied foreign minors and has also led to an increase in socioeducational support and assistance to these minors in their transition to autonomy, who are housed in supervised flats for 10 additional young people.

260. Assistance to young persons in the Flemish Community includes multipronged assistance. Special places are reserved for unaccompanied foreign minors and provide specialized assistance. In the autumn of 2015, the existing multipronged capacity was increased by 18 residential places and 40 ambulatory places, for a total of 152. Between August 2015 and March 2016, 58 unaccompanied foreign minors under 12 years of age were registered. Family placement is the most suitable option for these children. Since November 2015, the staff of the provincial family placement service has been strengthened and is supported by specialized services to create places for this group. There are also crisis networks, organized by province. Crisis assistance is directly accessible through a focal point who is available 24 hours a day, 7 days a week. "Support teams for non-nationals" arrange

for the provision of support services in the context of integrated assistance for young persons in the Flemish Community, with interpreters working both remotely and on site in the Flemish social services.

261. Several other specialized facilities have also been set up by FEDASIL. In addition to the existing places for pregnant girls, places have been created in the context of projects for minors with psychological problems. "Time-out" places and special places for unaccompanied foreign minors whose applications have been turned down and who are receiving "My Future" support have also been designed.

C. Minors in conflict with the law

[CRC/C/BEL/CO/3-4, para. 83b] The right to a lawyer at all stages of the proceedings

262. The Act on the rights of persons brought in for questioning (the so-called Salduz+ Act, 2016) significantly changed the legislation on private consultations. All minors, whether or not they have been deprived of their liberty, who have been questioned about offences punishable by custodial sentences have the right to private consultations before their first hearing. To that end, the Duty Lawyer Service (made up of lawyers specializing in youth matters) is always contacted or, failing that, the president of the bar association or the president's delegate. Finally, if the minor being questioned cannot understand or speak the language of the proceedings, or if he/she suffers from hearing or speech impairments, and if the lawyer does not understand or speak the language of the minor, the 2016 Act provides that a sworn interpreter should be used. For any (minor) suspect being questioned by the police, the law requires the presence of a lawyer.

263. Minors, who are presumed to be vulnerable, may not waive the right to legal counsel.

[CRC/C/BEL/CO/3-4, para. 83d, f] Minors who have committed an act categorized as an offence

MJ2. Hierarchy of measures

264. Some 55 per cent of the measures taken by a youth court are ambulatory measures.

265. In Belgium, minors who commit an act categorized as an offence and who are 12 years of age or older may be subjected to measures imposed by specialized youth courts, of which the main objective is to provide them with assistance. The Act on the protection of young people lays down the principle of subsidiarity in relation to these measures (CRC/C/BEL/3-4, paras. 792–793).

266. Established in 2011 in the French Community, the intensive guidance, mobilization and observation units offer an alternative to placement in public institutions for the protection of young people aged 14–18 years (and exceptionally from 12 years of age) who are being prosecuted for an act categorized as an offence. The units conduct (1) intensive observation and mobilization, as ordered by the youth court during a provisional phase (three months, renewable once), and (2) intensive educative guidance and individualized mentoring, as ordered by the youth court on the basis of a judgement (12 months maximum).

267. The sixth State reform makes the Communities responsible for defining the nature of the measures that may be taken in respect of minors who have committed acts categorized as an offence, and for defining rules for relinquishment of jurisdiction, rules of placement in a closed institution and rules for closed institutions, in a manner to be determined. The organization of family and youth courts remains a federal matter. The juvenile justice system is currently being evaluated in the Communities.

268. The first Flemish decree on juvenile delinquency is currently being drafted. This process began with a situational analysis, followed by a discussion with stakeholders. At the same time, a parallel process was conducted with parents and young people. In the summer of 2016 a poverty test was conducted on the avenues proposed. The idea is for the new decree to enter into force in early 2018.

[CRC/C/BEL/CO/3-4, para. 83a] Relinquishment of jurisdiction

269. In exceptional cases, minors aged 16 years and older who commit a serious crime or who have already been sentenced may, as a last resort, be referred either to a specific chamber of the youth court or to an assize court (CRC/C/BEL/3-4, para. 793).

270. The Act to amend criminal law and criminal procedure, which contains various provisions in the area of justice (2016), establishes that all crimes are punishable; consequently, only the special chamber of the youth court is competent to try a young person who is no longer under the court's jurisdiction.

271. Following the transfer to the Communities of certain aspects of juvenile justice, the policy on relinquishment of jurisdiction has also been transferred. The agreement of the Flemish Government outlines the contours of a new juvenile justice system that maintains the relinquishment of jurisdiction. The modalities for this are currently being clarified. In the French Community, the draft Code on prevention, assistance to and the protection of young persons provides for the maintenance of relinquishment of jurisdiction but under stricter conditions. The intergovernmental body of the National Commission on the Rights of the Child has been apprised of the public notice issued in that regard by the Commission's advisory body.

[CRC/C/BEL/CO/3-4, para. 83a] Children deprived of their liberty

MJ5. Participation within the framework of placement in an open or closed system

Minors who have committed an act categorized as an offence

272. No data are currently available on the effectiveness of the right to participation.

273. Minors who have committed an act categorized as an offence may be sentenced by the youth court to forced placement in an open institution (from 12 years of age) or closed institution (from 14 years of age and, in exceptional cases, from 12 years of age). Placement is a measure of protection, which, in accordance with article 25 of the Convention, is limited in time and reviewed periodically. An order for placement in an open or closed system must be reviewed within six months. The competent authorities transmit quarterly evaluation reports to the youth court on individuals who have undergone custodial measures in a closed educational system.

274. In the French Community, with the adoption of the Public Youth Protection Institutions Code in 2014, the actions of these institutions are anchored in respect for the rights of the child, in particular articles 37 and 40 of the Convention, recalling that the educational efforts of the public youth protection institutions are aimed above all at the social reintegration of the young person, in which the socioeducational approach should take precedence. The Code lays down a specific framework for the school work plan of each institution. The training of professionals working with minors in custody is another of the priorities set forth in the Code.

275. In the German-speaking Community, the support system for children in custody in public youth protection institutions has been reorganized, intensified and made more flexible through collaboration with private individuals approved by the Community.

Minors who are no longer under the jurisdiction of the youth court

276. Following the sixth State reform, the closed federal centres were transferred to the Communities. Minors who have been given a custodial sentence after the relinquishment of jurisdiction are held in such facilities.

277. In the French Community, a new project has been initiated to take care of young people subject to relinquishment of jurisdiction. A new decree framework will be submitted to Parliament on that basis. The establishment of a supervisory committee and a complaints mechanism to monitor the rights of these young people is also planned.

[CRC/C/BEL/CO/3-4, para. 83g] Solitary confinement

278. In the Flemish Community, the decree on the status of minors provides that solitary confinement or temporary restriction of liberty is possible only if and as long as the minor's behaviour poses risks to his/her own physical integrity or to that of other residents or staff, or if it results in the destruction of equipment. As recommended by the Care Inspectorate, a code of conduct relating to solitary confinement was drafted for the public youth protection institutions in 2015. The code provides guidelines on the possible grounds for solitary confinement, the conditions of solitary confinement, how it should be carried out and how to communicate with young people and their parents on its use and modalities. The code further provides that, if solitary confinement exceeds one hour, the head of the facility, a member of the staff, the educational director or one of their agents must be actively involved in ordering, registering and monitoring the measure. All minors (and their parents) receive, upon admission, a brochure with accessible information about the possibility of being placed in solitary confinement.

279. With regard to the French Community, a solitary confinement measure may be taken "only within the framework of placement in an open or closed system in a public youth protection institution, and only if the young person is jeopardizing his/her own physical safety or that of other young people, staff or visitors". The Public Youth Protection Institutions Code clearly stipulates the modalities and guarantees that govern this measure of protection. Under no circumstances may management order solitary confinement as a form of punishment, and it must, if solitary confinement becomes necessary for security reasons, immediately inform the youth court handling the young person's case, along with his/her lawyer. A young person subjected to solitary confinement is visited daily by a member of the senior management team and of the psycho-medical-social team and, every two hours between 8 a.m. and 10 p.m., a member of the educational team. Each institution must keep a register of solitary confinement measures that may be consulted at any time by representatives of the competent authorities, the Delegate-General for Children's Rights and the lawyer of the young person.

Monitoring

280. In 2009 and 2010, the Flemish Care Inspectorate and Education Inspectorate conducted inspections regarding the implementation of the rights of minors in all facilities providing assistance to young persons, except the public youth protection institutions. After this specific inspection tour, monitoring the observance of the rights of the child was incorporated into periodic inspections. Sectoral inspections focused on the rights of the minor are also conducted periodically.

281. Since 2012, the Care Inspectorate has also been inspecting the public youth protection institutions and interviewing minors in this regard. After an initial inspection, the institutions concerned drew up a joint action plan. In 2015–2016, another inspection showed that much progress had been made. All of the institutions began addressing the effects of the decree on the status of minors; their staff received additional training on learning from experience and crisis intervention, and procedures were developed for ensuring the participation of young people. Each facility and each sector has also established a complaints procedure.

282. In January 2017 the Flemish Parliament approved a new decree to regulate the external monitoring and handling of complaints regarding the deprivation of liberty of children and young people. Complaints are handled by "commissioners of the month" and by a monitoring Committee, which will be headed by the Office of the Commissioner for Children's Rights. The commissioners of the month maintain contact on-site with minors and employees of the institution. They can serve as mediators, but also help young people to lodge formal complaints which will still be processed under the supervision of the Commissioner for Children's Rights.

283. In the French Community, the decree on assistance to young persons has, since 2012, provided that the Government should conduct an external scientific assessment of the relevance and effectiveness of the measures implemented by the sector as a whole to fulfil the principles of the decree, including respect for the rights set forth in the Convention.

284. The draft Code on prevention, assistance to and the protection of young persons will have a specific new component on monitoring and complaints mechanisms made available to young people placed in public youth protection institutions. It provides for the following: the establishment of an independent monitoring body, the creation of mechanisms for dealing with complaints from young people wishing to challenge any decision taken against them and/or to allege a possible violation of their human rights, and the establishment of an external review process by an independent body. The need for support for minors in filing their complaints is also taken into account.

[CRC/C/BEL/CO/3-4, para. 83h] Municipal administrative penalties

285. The legislation on municipal administrative penalties was amended (2013) and provides for support for minors:

- During the drafting of a regulation on administrative penalties, the municipalities are obliged to seek the advice of the local youth council;
- The official handing down the penalty may, before initiating the administrative procedure, inform the parents or guardian of the facts and ask that the appropriate educational measures should be taken (parental involvement procedure). If appropriate measures are proposed, the procedure may be stopped at this stage;
- The official is required to propose mediation. A penalty may be imposed only if the mediation is overlooked or if it fails;
- In imposing an administrative fine, the competent authority must first notify the president of the bar association so that the minor may be assisted by a lawyer. The lawyer may also be present during the mediation process;
- The minor may appeal to the youth court, free of charge, against the imposition of an administrative fine.

286. However, the municipal authorities may still impose administrative penalties on minors outside the framework of the youth courts. In addition, the amendment to the Act lowers the minimum age for imposing a municipal administrative penalty from 16 years to 14 years and expands the possible sanctions to include temporary banishment and up to 15 hours of community service. These maximum penalties are much lighter than those for adults. It is not the minor, but the parents or guardian, who are civilly liable for the administrative fine.

287. In practice, the municipalities are careful about their work with minors. Consultations with the federal authorities in 2015 show that 73.4 per cent of Belgian municipalities plan to legalize the imposition of fines on minors. Of these, only 15 per cent have lowered the minimum age to 14 years. Less than 1 per cent of all administrative penalties were imposed on minors.

288. Following an appeal, the Constitutional Court debated whether the rights of such minors were not disproportionately restricted by the lowering of the minimum age. The Court held that this provision (and the law in general) was not contrary to the Constitution, in conformity with the provisions of the Convention. This is because of the above-mentioned measures of protection that are part of the law, and the provision that the minor must always be heard, irrespective of the amount of the penalty.

VII. Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

[CRC/C/BEL/CO/3-4, para. 81; General comment No. 6]

289. Within the framework of the national action plans to combat human trafficking, Belgium is strengthening measures to prevent and combat trafficking in children, including unaccompanied foreign minors.

290. The Act of 31 May 2016 supplementing the implementation of European obligations in relation to sexual exploitation of children, child pornography, human trafficking and the facilitation of unauthorized entry, transit and residence, and the Act of 30 November 2011 amending legislation to improve the handling of sexual abuse and acts of paedophilia committed by persons in a position of authority amended the Criminal Code to bring it into line with the latest technologies. Legislative amendments have also been adopted periodically to enable extraterritoriality and extradition for sexual crimes committed against a minor.

291. The definition of human trafficking was clarified and expanded in the Criminal Code in 2013, particularly with regard to some interpretations by the courts in which they recognized that trafficking could be alleged only when a trafficking network existed, and not in cases of personal exploitation. This meant that "loverboys" were outside the scope of the law. Another legal amendment in 2013 calls for multiplying the amount of the fine by the number of victims.

292. Following an evaluation in 2014 of multidisciplinary cooperation on unaccompanied foreign minors who are the victims of human trafficking, the investigation and prosecution policy on human trafficking was modified in 2015. A public prosecutor from the youth court must now be included in biannual local coordination meetings organized by judges specializing in trafficking in conjunction with other monitoring services. This new element should make it possible to better identify and assist in situations where minors are the victims of trafficking. In 2016, the circular on multidisciplinary cooperation was adapted also to draw attention to Belgian minors who are victims and to victims of loverboys.

293. In addition, training was planned in 2012, 2014 and 2016 for FEDASIL staff to improve the detection and protection of victims who are minors by front-line actors and develop a mechanism of referral to specialized accredited shelters for trafficked victims. Training has also been planned for guardians (2015) and the staff of the Immigration Office (2016). In 2016, the handbook on the interdisciplinary care of unaccompanied foreign minors (explanatory note for front-line actors) was approved.

294. In November 2014, the awareness-raising campaign "I say STOP!" was launched as part of a broad collaborative effort among the parties concerned. The objective is to sensitize the general public on child victims of sexual abuse and to inform the public of the importance of reporting suspicious situations to the authorities via the website www.jedisstop.be. The Belgian police will then transmit the information to their counterparts in the country concerned, as well as to Europol and Interpol, if necessary.

VIII. Implementation of the Optional Protocol on the involvement of children in armed conflict

[CRC/C/BEL/CO/3-4, para. 79, and CRC/C/OPAC/BEL/CO/1, para. 11]

295. The Act establishing the status of military personnel and military candidates on the active list of the Armed Forces was amended in 2013. Since then, the law has provided that military candidate status shall be withdrawn automatically from candidates under 18 years of age when war has been declared and that, in times of peace, soldiers under 18 years of age may neither assist nor support certain military missions that could put them at any risk.

IX. Ratification of international human rights instruments

[CRC/C/BEL/CO/3-4, para. 84]

296. Belgium ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2011, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014.

297. In 2016, Belgium ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

[CRC/C/BEL/CO/3-4, para. 75d]

298. In 2014, Belgium ratified the Convention on the Reduction of Statelessness of 1961.